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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,909	01/11/1999	LAWRENCE KOHLS	98/24	7968

7590

11/04/2004

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EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/228,909

Applicant(s)


KOHLS ET AL

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 35-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. Claims 35-60 are objected to because of the minor informalities:

As per claim 1, line 9, "the" should be changed to - a -. On line 21, "the sum" should be changed to - a sum -. On line 22, both occurrences of "the" should be changed to - a -.

As per claim 37, lines 2-3, "the amount" should be changed to - an amount-.

As per claim 39, line 2, "said list" should be changed to - said list-.

As per claim 40, line 3, "that" should be changed to - a -. Also on line 3, "the earliest" should be changed to - an earliest-.

As per claim 41, lines 11-12, "the prevailing" has been changed to - a prevailing-.

As per claim 42, line 2, "the holder" should be changed to - a holder-.

As per claim 44, line 7, "the purchase" should be changed to "a purchase".

As per claim 45, line 2, "the prevailing" should be changed to - a prevailing-.

As per claim 47, line 4, "the transmission" should be changed to - a transmission-. On line 9, "the" should be changed to - a-. On line 11, "the" should be changed to - a-. On line 13, "the" should be changed to - a-. On line 16, "the" should be changed to - a-. On line 17, "the" should be changed to - a-.

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As per claim 48, line 3, "the" first occurrence should be changed to - - a - -.

Also on line 4, "the" should be changed to - -a- -.

As per claim 51, line 5, "the" should be changed to - -an- -.

As per claim 56, line 1, "the" should be changed to - -an- -. Also, on line 3, "that" should be changed to - -an- -. On line 4, "the" should be changed to - - an- -.

As per claim 57, "the" first occurrence should be changed to - -an- -. Also on line 11, said" should be deleted.

As per claim 58, "The" should be changed to - - An - -. On line 2, "to" should be changed to - -in- -. On line 8, "a" second occurrence should be changed to - -said- -. On line 15, "the" should be changed to - -a- -. On line 16, "said" first occurrence should be changed to - -a - -. On line 17, "the" should be changed to - -a- -. On line 18, both occurrences, "the" should be changed to - -a- -. On lines 19-20, the Examiner suggests removing the bracket.

These changes are deemed necessary in order to avoid lack of antecedent deficiencies.

As per claim 59, the typographical error, "time-tamped" should be changed to - -time-stamped- -.

As per claim 44, - -computer-implemented- - should be inserted before "trader" on line 1. on line 3, the phrase - -performed by said computer- - should be inserted after " steps " in order to avoid the claim being a non-statutory claim under the 101 computer implemented invention statute.

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As per claim 48, line 1, - -computer-implemented- - should be inserted before "method". On line 4, the phrase - -performed by said computer- - should be inserted after " steps " in order to avoid the claim being a non-statutory claim under the 101 computer implemented invention statute.

Appropriate correction is required.

2. This application is in condition for allowance except for the following formal matters:

See Item or Paragraph 1 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire **TWO MONTHS** from the date of this letter.

Conclusion

3. Claims 35-60 are allowable over the art of record.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 87209327 for After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
October 28, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628